

REMARKS

Applicant has received an Advisory Action dated December 18, 2008, in this application. In the Advisory Action, the 37 C.F.R. 1.116 Amendment dated December 8, 2008, was not entered. Even so, in paragraphs 4 – 8 of the Advisory Action, the Examiner assessed the patentability of Applicant's claims as if the 1.116 Amendment had been entered. In that regard, in the 1.116 Amendment (entry of which has been requested in the Request for Continued Examination filed concurrently herewith), Applicant amended claim 1 to recite that the at least one magnetic material is enclosed within the fine particles, and explained in the 1.116 Amendment why that amendment placed claim 1 and all of its dependent claims in condition for allowance over the Davies et al reference. In response, in the Advisory Action, the Examiner states that, in his viewpoint, even with entry of the 1.116 Amendment, all claims would be rejected under 35 U.S.C. 103(a) over Davies et al, because Davies et al discloses mechanical entrapment of the coating of the magnetic material, thereby suggesting Applicant's amended claims. However, the Examiner went on to state in the Advisory Action that because Applicant does not claim that the magnetic material is entrapped or encapsulated within the polymer, as such the mechanical entrapment by the associated compound satisfies the claim 1 limitation of "enclosed within the fine particles".

In further response to the final Office Action, and taking into account the Examiner's above-noted suggested further claim amendment, by this amendment, claim 1 has been amended to recite that the magnetic material is enclosed within the polymer and within the fine particles, thereby avoiding any potential further rejection of claim 1 under 35 U.S.C. 103(a) based on

Davies et al, the Examiner noting in the Advisory Action that the 1.116 Amendment, if entered, would have overcome the anticipation rejection of paragraph 4 of the final Office Action.

Although Applicant has amended the claims as suggested by the Examiner to advance prosecution, Applicant does not necessarily accept the Examiner's interpretation of Davies et al regarding mechanical entrapment.

In view of the above, reconsideration and allowance are now believed to be in order, and are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the listed telephone number.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: January 9, 2009